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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/467,364	12/20/1999	Xiaode Xu	2821.1000000	2283

21005 7590 06/28/2004

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EXAMINER

HOANG, THAI D

ART UNIT	PAPER NUMBER
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2667

DATE MAILED: 06/28/2004

15

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/467,364

Applicant(s)

XU ET AL.

Examiner

Thai D Hoang

Art Unit

2667

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed on 04/15/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21 is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-16, 18-20, 22-28 and 30-32 is/are rejected.
- 7) ☒ Claim(s) 7, 17 and 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-6, 8-16, 18-20, 22-28 and 30-32 are rejected under 35 U.S.C. 102(e) as being anticipated by McGowan et al. (US Patent No. 5937345).

Regarding claims 1, 2, 10-12, 22-24, McGowan teaches: a mobile station 314 communicating at the signaling layer 206 (network layer respectively) (Figure 2A), where the message sent goes through the RR (Radio Resource), MM (Mobility Management) and Call connection unit which is part of the CM (Connection Management) unit 306 (Col 4, lines 56-57 and Col 5, lines 15-20). Furthermore, figure 6 and col. 6 lines 29-34, the reference discloses the call is directly routed from the RR 414 to call interception unit 412 without passing MM layer 416 and CM layer 424.

Regarding claims 3, 13 and 25, the lower levels 204 and 202 are shown as part of the routing process employed by the message routing system 200.

Regarding claims 4, 8, 14, 18, 26 and 30, McGowan teaches: routing first to a RR function then to a MM function then getting to the CM portion of the system (follow the arrow direction of data flow), coming from an uplink direction from a mobile station 314 (fig. 3).

Regarding claims 5-6, 15-16 and 27-28, McGowan teaches: the downlink message is shown to travel from the CM portion of the layers of the system to the call interception unit 412 in the direction of the mobile station 426, no where is any acknowledgement required in this system (Figure 5).

Regarding claims 9, 19 and 31, McGowan teaches: an MSC in the system of this embodiment (Fig. 3) and (Col 2, line 63), and a BSC 124, and BTS 122, (Col 3, lines 32-33).

Allowable Subject Matter

Claims 7, 17 and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 21 is allowed.

The following is a statement of reasons for the indication of allowable subject matter:

McGowan et al., US Patent No. 5,937,345 disclose a Method and apparatus for intercepting calls in a communications system. McGowan does not teach or fairly

suggest the following features, which are recited in the independent claim 21 of the present application:

A network layer messaging multiplexer apparatus that processes network layer messages within a wireless communication system, the network layer including within it certain functional layers, including a radio resource function, a mobility management function, and a connection management function with at least the radio resource function being normally assumed to be a transport mechanism for the mobility management and connection management functions with a data link layer, the apparatus comprising:

a first interface that enables the routing of network layer messages to said radio resource functional layer;

a second interface that enables the routing of network layer messages to said mobility management functional layer;

a third interface that enables the routing of network layer messages to said connection management functional layer;

a fourth interface that enables the routing of network layer messages from said data link layer; and

a multiplexer function that examines a network message to determine, prior to routing it to any functional layer, whether it is associated with connection management, mobility management, or radio resource management and routs the message directly to the respective connection management, mobility management, or radio resource

management functional layer, without passing the message through each of the functional layers.

Response to Arguments

Applicant's arguments filed on 04/15/2004 have been fully considered but they are not persuasive.

Page 11 of the remarks, Applicants argue that the reference does not teach the routing of messages to the RR, MM or CM functional layers (lines 7-8). Examiner believes the handover message must be contained a routing information because the path has been changed. In addition, lines 18-20, Applicants direct to col. 3, lines 36-38 and argue "the handover message referred to is only a copy of the message because the CIS only "monitors" the target call", Examiner could not found any information as shown above at col. 3, lines 36-38 of the reference.

Conclusion

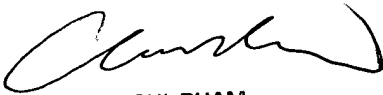
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai D Hoang whose telephone number is (703) 305-3232. The examiner can normally be reached on Monday-Friday 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (703) 305-4378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thai Hoang


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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600 6/25/01